Re-printed by permission from the North American Review of August, 1901.

You are earnestly asked to hand this after reading to some other person who will also give it careful consideration.

The Insular Cases

By Hon. George F. Edmunds,

Formerly United States Senator from Vermont.

The Supreme Court and the Dependencies

By Hon. George S. Boutwell,

Formerly Secretary of the United Sta'es Treasury.

PUBLISHED BY THE

NEW ENGLAND ANTI-IMPERIALIST LEAGUE

44 Kilby Street, Boston, Mass.

The Insular Cases

BY HON. GEORGE F. EDMUNDS.

"This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land." (Constitution of the United States, Article VI.)

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." (Amendment X., Constitution of the United States.)

Two recent decisions of the Supreme Court of the United States have compelled renewed and solicitous attention to the fundamental and constitutional relations, for all time to come, of Congress and the President to the inhabitants of New Mexico, Arizona, Alaska, Oklahoma, the Philippine Islands, Porto Rico and the Hawaiian Islands, as well as to all other citizens, subjects and aliens (and slaves in the Philippines) who may happen not to be within the geographical boundaries of any State of the United States, but still within the political dominion of our country in some of its Territories. Happily for the inhabitants of Ohio and of the great and prospering States of the Northwest living under the sway and protection of both National and State constitutions, their fair lands have ceased to be Territories, and they are delivered from the despotism, however benevolent and wise, of a Congress in which they could have no vote, and whose power over their lives, liberties, fortunes and happiness was restrained by no constitutional barrier. Probably, an absolute despotism is the best imaginable government, provided the ruler is the complete embodiment of all wisdom and virtue. But in all the history and experience of the world, no such ruler, or body of rulers, or any resembling him or them, have ever appeared. A conclave of despots has almost always been found to be worse than a single despot. The French Directory was worse than the King it had slain, and the Commune was worse than Napoleon III. Was the Declaration of Independence of 1776 a mere phantasm of the founders of the Republic putting forth fantastic fictions? If so, the people of the United States ought, logically, to be now a Crown Colony of Great Britain, awaiting, like the Boers, the good pleasure of Parliament and the King for such measure of liberty and justice as their masters might be pleased to bestow upon them.

Differing from the condition of a State legislature, the powers of Congress are such, and such only, as the Constitution

has imparted to it. It did not create the Constitution, but, on the contrary, the Constitution created it and endowed it with all, and the only, powers it possesses. "All legislative power herein granted shall be vested in a Congress of the United States, etc.," is the very first provision of the Constitution. These powers are then enumerated and distributed; and, to guard against misconstruction and usurpation, special prohibitions were established, and the whole mass of powers not so delegated were expressly "reserved to the States respectively, or to the people." No general sovereign power, such as is attributed to the ruler or people of a single and separate State, was conferred on Congress or the President. This is in distinct contrast with the powers of the legislatures of the several States, which are sovereign and supreme, except in so far as their own written Constitutions and the Constitution of the United States limit them.

The foregoing observations set forth briefly what has been, during the whole period of our national existence until now, considered to be axiomatic—the rock on which the edifice of just liberty and order should stand indestructible.

The first of the two cases referred to in the opening of this article is De Lima versus Bidwell. In this it was held that instantly upon the cession of Porto Rico by Spain to the United States, that Island became a part of the United States, and that duties could not be lawfully exacted upon merchandise coming thence to the United States after the cession and before the so-called Foraker Act was passed by Congress.

The second case referred to is Downes versus Bidwell. In this case it was held that Congress could constitutionally impose duties not uniform throughout the United States and which were discriminative, upon merchandise coming from Porto Rico to the United States after the Foraker Act providing for such duties was passed, for the reason that Porto Rico is not a part of the United States within the meaning of the revenue clauses of the Constitution.

The decision in the first mentioned case was delivered by Mr. Justice Brown, and concurred in by the Chief Justice, and Justices Harlan, Brewer and Peckham, and dissented from by Justices Gray, Shiras, White and McKenna. The decision in the second case was also delivered by Mr. Justice Brown, and concurred in by Justices Gray, Shiras, White and McKenna, for reasons (as stated by Mr. Justice White) "different from, if not in conflict with, those expressed" in the opinion of Mr.

Justice Brown; and it was dissented from by the Chief Justice, and Justices Harlan, Brewer and Peckham.

However variant in principle and deduction these two controlling decisions and the reasons announced therefor may be, and however grave the consequences that may flow from them, and especially from the latter one, in the future, they must now stand and must continue to stand unless they should be reviewed and one or the other of them overruled by the same great tribunal, whose judgments must command the respectful acquiescence of all good citizens (and particularly of the citizens of the respective States whose equality of burdens and of rights under the Constitution are still secure from Congressional injustice, so long as they stay at home and have nothing to do with the Territories), as determining what are the powers of Congress over the people of all the Territories of the United States, present and to come.

Thus, ceded territories become absolutely a part of the United States, but their citizens are not entitled to some of the protections of the Constitution against unbridled power. Whether they are entitled to any constitutional protection, or are solely dependent on legislative will for the security of rights which the Constitution makes sacred to the people of the several States against invasion by Congress, remains to be determined. Among these rights named in the Constitution are:

The right to have representatives and direct taxes apportioned according to numbers;

The right to have all duties, imposts and excises uniform throughout the United States;

The right that no appropriation of money for the support of armies shall be for a longer term than two years;

The right that the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it;

The right that no bill of attainder or ex post facto law shall be passed;

The right that no capitation or other direct tax shall be laid unless in proportion to census enumeration;

The right that no tax or duty shall be laid on articles exported from any State;

The right that no preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another, nor that vessels bound to or from one State shall be obliged to enter, clear or pay duties in another;

The right that no person shall be convicted of treason unless on the testimony of two witnesses, and that no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted;

The right to be free from laws respecting an establishment of religion;

The right to the free exercise of religion;

The right to freedom of speech and of the press;

The right peaceably to assemble, and to petition the Government for a redress of grievances;

The right to keep and bear arms;

The right to be free from the quartering of soldiers in their houses in time of peace, and in time of war only in a manner prescribed by law;

The right to be secure in their persons, houses, papers and effects against unreasonable searches and seizures;

The right to be secure from certain criminal prosecutions unless on the indictment of a grand jury;

The right not to be subject for the same offence to be twice put in jeopardy;

The right not to be compelled in criminal cases to be witnesses against themselves;

The right in criminal cases to be informed of the nature and cause of accusation, and to be confronted with the witnesses against them, and to have compulsory process for obtaining witnesses in their favor, and to have the assistance of counsel;

The right to be free from cruel and unusual punishments.

This enumeration of rights comprises a large part of those understood by the framers of the Constitution, and by the people and States adopting it, to be among the fundamental and inalienable rights of man living in civilized and organized communities. At the time of the adoption of the Constitution and of the first body of amendments, the Government of the United States was in possession and control of the Territory northwest of the Ohio River, which it had acquired by cession from those States which had before claimed dominion over it. The same Constitution that declared and secured these rights declared that Congress should have power to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States. Can it be possible that this grant of power was not intended to be, and was not in fact and law, subject to these same limtations and

prohibitions imposed upon Congress by language unrestrained and in no way limited to particular parts of the one country over which the Government had become supreme, and for the government of which the departments of the legislature, the executive and the judiciary were established? If the people residing in the several States so needed the securities above mentioned, notwithstanding the protection the governments of their respective States might give them, by so much the more would the people of the Territory then under the dominion of the United States need them. Can it be that as to them Congress was superior to the Constitution, and could deny to them the rights which, were they inhabitants of any of the States, Congress could not invade?

It is true that it has long been held that, in respect of the life tenure of judges mentioned in the Constitution, that tenure was not required in the Territorial courts; but it may be fairly contended from the judicial article of the Constitution that the autonomy of the judicial establishment therein described was to be exercised within the boundaries of the respective States, and that in the government of the Territories the official tenure of the judges of courts established therein, under the power to make all needful rules and regulations, need not be for life. But, however this may be, it can furnish little, if any, reason for expanding a mistaken construction of one clause of the Constitution to all the others.

Unequal taxation is, perhaps, the most galling and destructive of all forms of tyranny. If the uniformity of taxation clause of the Constitution had been omitted, and Congress should now impose a tax discriminating against the people of some State or group of States, what would be likely to happen? What ought to happen? Are the principles of justice and the necessity for constitutional protection against abuses of sovereign power in and by the same government superfluous and illogical beyond the physical boundary of the States? These and many other like questions force themselves into the pathway of what its devotees hoped to be our benevolent and Christian imperial progress, carrying with it liberty, civilization and true religion. If the written Constitution of our country is clearly not adequate to these ends, it is not the fault of the judiciary; the responsibility is elsewhere. The paradox of a sovereignty created and existing only by the Constitution, but to be exercised contrary to its provisions, may be found to be best suited to the needs of twentieth century

civilization; but this is more than doubtful. Doubtless, it is highly convenient, as it always has been, to rulers having aggressive policies, good or bad, to carry on, that no barriers to their free exercise exist. Thus, the colonial charters before the Revolution were perverted, suspended or revoked, as the will of a weak and wicked king, or the passions of party, or selfish motives of trade, dictated; and, following such precedents, as is reported, the charter of Cape Colony has just been suspended. And thus Congress, thinking itself free from any constitutional constraint, has thought it fit to enact discriminative measures affecting intrinsic rights and interests of our citizens and the other people of Porto Rico and Hawaii, and has imposed conditions upon the people of Cuba not hinted at in the solemn, public declaration made by Congress, when the great drama out of which have grown all our present embarrassments opened. And in the Philippines, a government is being instituted and laws decreed by the President alone, in his sole discretion, under an authority granted him by Congress for that purpose—and, in legal effect, a power to continue in him until he himself shall consent to surrender it, or two-thirds of each House shall take it from him. The theory and standards of a people's government must have greatly changed since the Congress of the Confederacy provided for the government of the North West Territory in 1787, when, having full sovereign power unlimited by any Constitution, it enacted a system of laws for that Territory and provided for their due and orderly execution; and since the Congress of the United States provided in 1803 for the government of the vast territory ceded to the United States by France, and enacted that the President should take possession of the territory, and "that, until the expiration of the present session of Congress, unless provision for the temporary government of the said territories be sooner made by Congress, all the military, civil and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons, and shall be exercised in such manner, as the President of the United States shall direct for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property and religion." This Act provided for the administration of the then existing laws, as they had been administered by the officers of France, by officers to be appointed by the President—a mere change from French officers to American officers, and nothing more. The President was to regulate the

manner of the exercise of the specified powers to the end of preserving liberty, property and religion; but he could neither increase, diminish nor change the powers themselves. He had no more power over them than the Secretary of the Treasury has over the revenue laws. His was executive power, pure and simple. And even that measure of authority was limited in time to the then session of Congress.

The Philippine Act of March 2d, 1901, provided that "all military, civil and judicial powers necessary to govern the Philippine Islands, acquired from Spain by the treaties concluded at Paris on the tenth day of December, eighteen hundred and ninety-eight, and at Washington on the seventh day of November, nineteen hundred, shall, until otherwise provided by Congress, be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct, for the establishment of civil government and for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property and religion." In the Louisiana instance, the military, civil and judicial powers existing at the time of the cession, and none others, were to be administered. In the Philippine instance, all military, civil and judicial powers necessary to govern the islands were to be administered. In the first case, existing laws were to be executed; in the second case, any and all laws thought necessary by the President were to be set up and executed. The contrast between the essential principles and the actual grants of power to the President in the two Acts could not be more complete. In Louisiana, Congress adopted the existing laws and merely changed the personnel of their administrators. In the Philippines, Congress adopted no law at all, but deposited all power in the agents of the President.

The expansions and dominations, now almost encircling the globe, entered upon by Congress have cost the people of the United States a very great expenditure of blood and treasure, and a severe shock to the ideas of liberty, self-government and equality which used to be thought fundamental, and which we professed (sincerely, it is to be hoped) when we declared war against Spain. But the present situation must be taken as it is. The status quo ante bellum cannot be restored, and should not be if it could. It is possible, if the wisdom of Congress shall so determine, to protect and guide the people of the "appurtenant" Territories in accordance with the letter and spirit of the Constitution and to give the civilized parts of them

a substantially independent self-government, and to deal with the uncivilized tribes (including the "Emperor of Sulu" and his wives, subjects and slaves) by treaties, etc., just as we have for a century constitutionally done with the Indian tribes in the States and Territories on this continent.

That patriot, statesman and great jurist, Chancellor Kent, said upon the subject, in his Commentaries on the Constitution, that:

> "Such a state of absolute sovereignty, on the one hand, and of absolute dependence, on the other, is not congenial with the free and independent spirit of our native institutions; and the establishment of distant territorial governments, ruled according to will and pleasure, would have a very natural tendency, as all pro-consular governments have had, to abuse and oppression."

Most of these difficulties and dangers can be avoided if we place our relations with these distant and different peoples on the footing of friendly assistance and protection in self-government, instead of on that of an absolute dominion. Although the present spirit of the times, both in public and private operations, may be that "They should take who have power, and they should keep who can," there is no good ground for discouragement to those who hope for the increase and diffusion of happiness among men. The disorders of policies and ambitions, and the warfare of contending and selfish interests among nations and in the social world, will by and by give way before the ever-increasing intelligence of all peoples.

> "The tumult of the times disconsolate
> To inarticulate murmurs dies away,
> While the eternal ages watch and wait."

While the liberty of speech, of education and of religion exists, the golden future will draw nearer and nearer, however much the present may be clouded.

GEORGE F. EDMUNDS.

The Supreme Court and the Dependencies

BY HON. GEORGE S. BOUTWELL.

The opinions given by the Justices of the Supreme Court of the United States were given in the cases known under the general name of Insular Tariff Cases—the case of De Lima & Co. and the case of Samuel B. Downes, both against the collector of the port of New York. In each case, the opinion was given by Mr. Justice Brown, and in each case the decision was reached through a bare majority of the Court. In the case of De Lima, the final question in which the public is concerned was this: Was the Island of Porto Rico, after the treaty with Spain for the transfer of sovereignty had been ratified and exchanged, and the proclamation thereof made at Washington, a part of the territory of the United States and subject to the provision of the Constitution which declares that "all duties, imposts and excises shall be uniform throughout the United States."

The ratification of the treaty was proclaimed at Washington the 11th day of April, 1899, and the articles which were the subject of controversy were imported in the autumn of that year. At that time, Congress had not acted in any manner in regard to the Island of Porto Rico. On the 12th day of April, 1900, an act known as the Foraker Act was passed, which provided a form of political organization for the government of the Island. Five justices, namely, Chief Justice Fuller, Justice Harlan, Justice Brewer, Justice Brown and Justice Peckham, concurred in the opinion that the goods so imported from Porto Rico into New York were entitled to admission free of duty. The decision is in these words:

> "We are, therefore, of opinion that at the time these duties were levied, Porto Rico was not a foreign country, within the meaning of the tariff laws, but a Territory of the United States, that the duties were illegally exacted, and that the plaintiffs are entitled to recover them back."

By the words of the decision, Porto Rico was declared to be a Territory of the United States; and from the decision itself it might be inferred that the uniformity clause of the Constitution applied to the Territory. This inference was controlled, however, by the opinion of Justice Brown in the Downes case. Inasmuch as there had been no attempt by Congress to legislate for Porto Rico, the authority of the Constitution in the Island, whatever it was, must have been

due entirely to the innate force of the instrument, by which it operated upon a possession of the United States whenever the nature of that possession was such as to command the assent of other nations in conformity to the law of nations. Such must have been the opinion of the four judges who concurred with Justice Brown in the De Lima case. Four justices dissented from the conclusion reached by the majority of the Court. Mr. Justice Gray dissented on the ground that the decision was not reconcilable to the unanimous decision of the Court in the case of Fleming against Page, found in the ninth of Howard, page 603. Justices McKenna, Shiras and White dissented from the opinion of the Court, apparently upon the ground that, at that time, Porto Rico had not been organized as a Territory of the United States under the enabling act that had been passed by Congress.

In the dissenting opinion of the three judges last named, there is a distinct declaration that a duly organized Territory is within the embrace of the Constitution and under the uniformity clause of that instrument.

In the Downes case, Mr. Justice Brown assumed a position and announced a doctrine which is in opposition to the position of his four associates in the De Lima case. The importation which was the subject of controversy in the Downes case was made after the 12th of April, 1900, when the Foraker Act was passed. By that act, provision was made for a Territorial government in Porto Rico. A legislative body, consisting of two branches, was created, and authority was given for the appointment of a Governor and Attorney-General. Courts were to be created and authority was given to litigants for an appeal from the courts of Porto Rico to the Supreme Court of the United States. By the same act a duty was levied upon the products of Porto Rico that might be brought into the United States. The question was as to the validity of the duty so imposed. In this case, Mr. Justice Brown, for himself alone, as appears from the record, assumed and maintained by argument the position that the Constitution of the United States was framed by the thirteen States, and that its scope and authority were limited to the thirteen States and to such States as from time to time might be added thereto; further than this, that the Constitution did not, by its own force, extend to the possessions of the United States, whether created into Territories with a regular form of government, or whether they were outlying, unorganized possessions. His position is

easily understood. It is not without some support from the men who framed the Constitution. Its weakness is in the fact that the political history of the country and the records of the Supreme Court, with singular unanimity, maintain contrary doctrines, so far as this, assuredly—that the Territories, when organized, are, by the fact of organization, brought within the scope of the Constitution. These authorities assume that a Territorial organization constitutes a pledge to the inhabitants of a Territory that, under circumstances which in the nature of things are likely to arise, a Territory is to become a State in the Union. His opinion was not supported by the opinion of any other member of the Court. Three justices who concurred with him in the majority opinion in the Downes case, namely, Justice White, Justice Shiras and Justice McKenna, differed from him in regard to the scope of the Constitution, and maintained, as a doctrine, that, whenever a possession had been organized as a Territory, it became at once and thenceforth a part of the United States and subject to the jurisdiction of the Constitution, without any special declaration by Congress to that effect. Mr. Justice Gray concurred in the majority opinion, but without committing himself to the doctrine set up by Mr. Justice Brown. Four justices, Chief Justice Fuller, Justice Harlan, Justice Brewer and Justice Peckham, were of opinion that the Constitution applies to new possessions of the United States as soon as such possessions are transferred by treaty with the former sovereign, followed by the proclamation of the President that the treaty had been duly ratified.

Hence it follows, that seven of the Justices of the Supreme Court were of opinion that the Constitution became applicable to a Territory whenever such Territory was duly organized, and four of the seven expressed the opinion that the Constitution applied to the possessions whenever acquired agreeably to the law of nations. It follows from these opinions, that the Court as a majority must hold, whenever the question is presented, that the uniformity clause of the Constitution, in regard to the levy of duties, excises and imposts, is applicable, not only to the States, but also to the Territories that may have been duly organized. The official action of the several justices warrants the conclusion that the four justices who concurred with Justice Brown in the opinion in the Downes case, were of the opinion that at the time the importation was made, which was the subject of controversy, the Island of Porto Rico had not been incorporated as a Territory agreeably to the usage of the

country. On the other hand, the Chief Justice and the three justices concurring with him were of opinion that Porto Rico was, at the time of importation, a duly organized Territory of the United States, or otherwise that as a dependency the rules of uniformity applied to it. This difference of opinion must at some time disappear; and it may be assumed that, whenever the government that was authorized by the Foraker Act has been duly organized and set in motion, the difference of opinion in the Court, as far as seven justices are concerned, will have disappeared.

Upon this statement of the case the following conclusions may be deduced: As Justice Brown was of the opinion that Porto Rico, at the time of the importation of the articles in controversy in the De Lima case, was not foreign territory but a possession of the United States, and as he was also of the opinion that the Constitution of the United States did not apply to that Island and that Congress had not legislated concerning duties or imposts for the Island, he could only reach the conclusion that the duty which had been levied upon the De Lima importation had no authority either in the Constitution or in the laws of the United States, and therefore that the assessment made by the collector was unlawful. The four justices who concurred with him being of the opinion that the Constitution of the United States did apply to Porto Rico, were consequently of the opinion that the assessment of duties was illegal, inasmuch as under the Constitution the uniformity clause was applicable to trade between Porto Rico and New York. Hence, these five justices, although entertaining different opinions as to the scope of the Constitution, were brought necessarily to the same conclusion upon the question which was at issue in the De Lima case, namely: "That, at the time these duties were levied, Porto Rico was not a foreign country within the meaning of the tariff laws, but a Territory of the United States, and that the duties were illegally exacted."

In the Downes case, Justice Brown expressed the opinion that the Constitution of the United States did not apply to any territory of the United States not included within the limits of a State. This opinion, whether sound or otherwise, is not, in any particular, in conflict with his holding in the De Lima case, but is entirely consistent with it. At the time of the importation which was in controversy in the Downes case, the act known as the Foraker Act had been passed, but the

Territorial form of government for which provision had been made in that act had not been organized and put in operation. In that condition of affairs, it was entirely consistent for Justice Brown to hold that the act imposing a duty of fifteen per cent. of the duties imposed under the Dingley Law was a legal proceeding on the part of the government of the United States, inasmuch as the territory of Porto Rico was no longer foreign territory, and inasmuch as it was not, in his opinion, within the scope of the Constitution. It followed necessarily that Congress could legislate, under its own discretion, for the tariff system of Porto Rico, assuming always, what is not by every one admitted, that Congress has power to legislate beyond the scope of the Constitution, from which its own authority to legislate is derived. Thus it appears that so far as the two cases are dealt with by Justice Brown, his action is consistent with his position that the Constitution of the United States does not extend beyond the States of the Union. His support in the Downes case is derived first from Justice White, Justice Shiras and Justice McKenna. The reasonable conclusion deducible from their concurring opinion is this, namely: The Constitution of the United States applies not only to the States, but also to such Territories as may have been created by act of Congress and duly organized. Following this opinion is the conclusion on their part, that, at the time of the importation of the articles in controversy in the Downes case, Porto Rico had not been created a Territory and so organized as to justify the opinion on their part that the Constitution extended to the Island. In that condition of opinion, they concur in the conclusion reached by Mr. Justice Brown, that the legislation in the Foraker Act, by which a duty was imposed on the products of Porto Rico, was legal, inasmuch as the uniformity clause of the Constitution had no application to the Island. Therefore, and for the time being, the Foraker Act was within the scope of the authority of Congress. Of Mr. Justice Gray, it is to be said that his statement justifies the conclusion that, in his opinion, Porto Rico was in a transition period, and that during that period Congress had power to legislate.

Having in mind these opinions, certain views as to the future action of the Court may be deduced, namely: That the three justices who concurred with Justice Brown must reach the conclusion, at some time not far distant, if a case should arise, that Porto Rico is a Territory of the United States and

subject to the Constitution of the United States. Justice Gray has not so committed himself but that he may concur with the three justices referred to. In this condition of opinion, it must happen that seven justices, and perhaps eight justices, will unite in the conclusion that the Territories of the United States, as they may from time to time be created by act of Congress and duly organized, are brought within the scope of the Constitution. Porto Rico is already an organized Territory or its organization as a Territory is soon to be completed. It must, therefore, be recognized by the Court, if a question should arise, as within the scope of the Constitution.

Not much time can elapse before a similar condition of things must exist in the Philippine Islands. A military government cannot be maintained for an indefinite period. It follows, therefore, that, very soon, every dependency which has come into the possession of the United States through the treaty with Spain, will be organized in a Territorial government, and, therefore, that, within the same period of time, the Constitution of the United States will be made applicable to each of them, through the expressed opinions of a large majority of the Justices of the Supreme Court. This being the case, the practical conclusion must be that which has been demanded by the Anti-imperialists of the country, namely: That the entire possessions of the United States that have been acquired in conformity to the law of nations will be under the jurisdiction of the Constitution, and that to them as to the States the clause which requires that "all duties, imposts and excises shall be uniform throughout the United States" will be applicable. Thus the demand of the Anti-imperialists will have been satisfied, though only through a process of delay. From the opinions of the different members of the Court, it may be inferred reasonably that they entertain the opinion that the clause of the Constitution which provides that "the Congress shall have power to dispose of and to make all needful rules and regulations respecting the territory or other property belonging to the United States," is to be interpreted in its natural signification, and that the Territories of the United States may be disposed of at the will of Congress.

GEO. S. BOUTWELL.